

CENTRAL INTELLIGENCE AGENCY
Washington, D. C.

OGC Has Reviewed

NOTICE
NO. _____

Date: _____

SUBJECT: The Principles Governing the Exercise and Delegation of Authority

REFERENCE: CIA Regulation No. _____

1. Introduction

(a) Sound administration of an organization requires the delegation of authority to appropriate officials and the exercise of the authorities so delegated. Certain authorities require both formal authorization and formal evidencing of the exercise thereof. Such formalization is particularly important when the concurrent or coordinated action of officials of different Agency components is required. () In delegating and exercising such authorities certain minimum formalities must be observed for the following reasons:

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(1) Formal evidence is not only a legal requirement in some cases but is generally a good business practice.

(2) The size and complexity of the organization is such that a single activity may require the properly coordinated exercise of several authorities. Proper evidencing of the exercise of these authorities is required to reveal the presence or lack of proper coordination.

(3) Actions taken will in many cases continue beyond the tenure of individuals in their authorizing capacities. Agency records must therefore reveal by what authority and when specific authorities were exercised.

(b) Accordingly, the principles set forth herein and in CIA Regulation No. _____ are intended to attain and preserve legality, perpetuity and assurance that all actions are pursuant to proper authorization.

2. Source of Authorities

(a) The normal sources of authorities are as follows:

(1) Authorities granted by statute.

(2) Authorities granted by Agency regulation.

(3) Authorities redelegated by officials having redelegable authorities.

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3. Types of Delegations

(a) There are three general types of delegations of authority:

(1) Authorities vested in a position to be exercised by any incumbent and which remain with the position without regard to the tenure of the incumbent.

(2) Authorities delegated to an individual to be exercised by him so long as he is holding a particular position. Authorities of this kind cease to exist when the individual to whom they are delegated leaves the position held at the time of the delegation.

(3) Authorities delegated to an individual by name without regard to or mention of his position. Authorities of this kind may be exercised by the individual without regard to his position or tenure in office until they are formally rescinded.

4. Limitations on Delegation

(a) Authorities granted by statute may only be delegated in accordance with the terms of the statute.

(b) Authorities granted by regulation may only be delegated by the authority in whom resides the power to make regulations in the first instance.

5. Principles of Delegation

(a) Delegations of authority for the normal fulfillment of functional responsibilities should always be vested in an organizational position. CIA Regulation [REDACTED] establishes most normal functional authorities. Such authorities will normally be redelegable by the Chief of the functional unit.

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(b) The general functional authorities established in CIA Regulation [REDACTED] are limited to the extent that delegations of specific authorities in the same area are established in other regulations. For example, the general authorities of the Chief of Procurement are limited to the extent that the Chief Medical Officer is authorized to procure medical supplies.

(c) Authorities requiring the specialized knowledge or judgment of an individual should be delegated by specific written directive as in 3.(a)(2) and (3) above and are not redelegable unless so specified.

(d) Delegations not set forth in Agency Regulation shall be formalized in writing, be signed by the official having authority to delegate or redelegate and shall be distributed to all units or individuals who will be expected to act thereon.

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6. Evidences of the Exercise of Authority

(a) The mere recitation that an action was done by a subordinate official "by direction" of the Chief is not evidence that the Chief exercised the judgment or action required of him and such an action cannot be accepted.

(1) Oral or telephonic assurance by a subordinate that approval or certification has been granted by the Chief or principal authorized to act cannot be accepted.

(2) Oral or telephonic approval by a Chief or principal authorized to act may be accepted in cases of emergency and must subsequently be supported by properly executed written documents.

(3) Individuals acting on oral or telephonic certification or approval shall prepare a memorandum for the record setting forth all pertinent details of the conversation as interim authority and shall ensure that formal written authorization is received.

7. Actions by Designees

(a) Any official delegating authority to a designee must set forth in writing the specific authority delegated to the designee and prescribe any limitations placed on the exercise of the authority so delegated.

(b) Copies of such delegations should be distributed to all individuals who will be required to accept or act upon the authority of the designee.

8. Actions by Deputies

(a) In the performance of his functions, the Deputy shall signify his authority by use of the title "Deputy".

(1) Normally, only temporary duty away from Washington, out-of-town leave for a considerable period of time, or severe illness of the principal will permit action by the Deputy as Acting Chief.

(2) At such time as the Deputy acts in lieu of the Chief in the exercise of authorities normally requiring the action of the Chief, the Deputy shall sign in full identifiable signature as "Acting Chief".

(3) The use of the title "Acting Chief" shall constitute his certification that the Chief is not reasonably available for the action required.

(b) Authorities delegated to the principal to be exercised by him so long as he shall hold a particular position, or delegated to him by

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name may never be exercised by the Deputy either in his capacity as Deputy or while he is "Acting Chief" unless specific formal authorization is granted by the proper authorizing official.

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